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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,335	10/31/2003	Todd James Gravitt	180-002	9685

7590 05/11/2004

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EXAMINER	
HOGE, GARY CHAPMAN	

ART UNIT	PAPER NUMBER
3611	

DATE MAILED: 05/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/698,335	GRAVITT ET AL.	
	Examiner	Art Unit	
	Gary C Hoge	3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-12 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 7 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is no antecedent basis for "the event described" (claim 7) and "the event selected" (claim 9).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 4 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Goetz et al.

Goetz et al. discloses a housing **22** for a stationary visual display means; an audio/visual display means **23**, and a user controlled activation means **28**.

Regarding claim 7, this limitation merely requires the ability of a user to see and here something, which, of course, a television is capable of accommodating. The specifics of the thing seen and heard is merely a statement of intended use.

Regarding claim 8, the entire television set is contained within a single housing. In this case, the stationary visual display means can refer to, e.g., the trim around the cathode ray tube, because it is stationary, can be seen (i.e., is visual), and is a decorative display element. The audio/video display can refer to the cathode ray tube and the speaker.

5. Claim 9 is rejected under 35 U.S.C. 102(e) as being anticipated by Marihugh et al.

Marihugh et al. discloses a plurality of shelves for displaying a plurality of television sets. In use, a customer would approach the plurality of television sets, select a unit to view, and press a button to activate the television. They would then view an audio/visual display.

1. Claims 1-3 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoshi.

Hoshi discloses a housing **1** for a stationary visual display means **11**; an audio(**5**)/visual(**14**) display means; and a user-controlled activation means **2**.

Regarding claim 2, see column 3, line 40.

Regarding claim 3, this limitation has not been given patentable weight because it has been held that patentable novelty cannot be principally predicated on mere printed matter and

arrangements thereof, but must reside basically in physical structure. See *In re Montgomery*, 102 USPQ 248.

Regarding claim 6, see column 2, lines 2-3.

Claim 7 amounts to a statement of intended use and does not recite structure that distinguishes over Hoshi.

2. Claims 9 and 12 are rejected under 35 U.S.C. 102(a) as being anticipated by USA Today article.

The USA Today article describes the interactive display screens available at the Smithsonian Institution. With these screens, visitors follow a method of (a) approaching a plurality of display units; (b) selecting a unit to view; (c) pressing a single selection means (i.e., the screen); and (d) viewing an audio/visual display of the event selected (in this case, the process of dinosaur renovation).

Regarding claim 12, renovating a dinosaur is a special event.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoshi.

Hoshi discloses a visual display panel **14** for displaying the image of a person approaching the display panel. The person is filmed by a camera **7**. However, Hoshi does not specify what type of display screen is contemplated. Therefore, a person having ordinary skill in the art must select a display screen from those already known in the art. Cathode ray tubes and liquid crystal video displays are well known. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select either a cathode ray tube (claim 4) or a liquid crystal video display (claim 5) as a matter of choice in design.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goetz et al. in view of Marics.

Goetz et al. discloses the invention substantially as claimed, as set forth above. However, the screen disclosed by Goetz et al. appears to be a cathode ray tube. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Goetz et al. by substituting a liquid crystal screen for a cathode ray tube since Marics teaches that these two

display means are art recognized equivalents in the television art and the selection of any of these known equivalents would work equally well in the device of Goetz et al.

10. Claims 10-12 are rejected under 35 U.S.C. 102(e) as being unpatentable over Marihugh et al.

Marihugh et al. discloses the invention substantially as claimed, as set forth above. However, it is not known what is displayed on the television set when it's turned on. What is displayed will be whatever happens to be broadcast at that time on the channel to which the television is tuned. Because it is well known to broadcast movies, concerts and special events on television, it is obvious that Marihugh et al. would encompass the viewing of any such events.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C Hoge whose telephone number is (703) 308-3422. The examiner can normally be reached on 5-4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gary C Hoge
Primary Examiner
Art Unit 3611

gch